

STATE OF CALIFORNIA - THE RESOURCES AGENCY
DEPARTMENT OF FISH AND GAME
OFFICE OF SPILL PREVENTION AND RESPONSE

**APPLICATION FOR CERTIFICATE OF FINANCIAL RESPONSIBILITY
FOR OPERATORS OR OWNERS OF TANK VESSELS**

(Please type or print clearly in English when completing this application. Refer to pages 8 and 9 of this application packet for complete instructions)

SECTION A. General Information – Applicant

<p>1. Legal name of applicant (must be either the operator or owner of vessel). Include English equivalent of legal name if customarily written in a language other than English.</p>
<p>2. Applicant's complete mailing address (street number, city, state or country and zip code), telephone number and facsimile number including area and city codes:</p> <p>Telephone number:</p> <p>Facsimile number:</p> <p>E-mail address:</p>
<p>3. Type of business entity (i.e., sole proprietor, corporation, partnership):</p>
<p>4. If a corporation, provide the following:</p> <p>Date of incorporation:</p> <p>State or foreign country of incorporation:</p>
<p>5. If a partnership, state the name of each general partner:</p>
<p>6. If a subsidiary, provide the following information:</p> <p>a. Name and address of parent corporation:</p> <p>b. Date of incorporation:</p> <p>c. State or foreign country in which incorporated:</p>
<p>7. Has applicant or parent corporation ever been named as debtor in a voluntary or involuntary proceeding under Title 11 (Bankruptcy), United States Code or similar non-U.S. statute? (If yes, please explain on a separate sheet.)</p> <p>Yes _____ No _____</p>

8. Address of applicant's principal office in the U.S., if any:

9. Name, mailing address, telephone number, and facsimile number of owner of the vessel.

Telephone number:

Facsimile number:

10. Name, mailing address, telephone number, and facsimile number of the person(s) operating the vessel.

Telephone number:

Facsimile number:

11. Name, physical address, telephone number and facsimile number of person to contact if necessary to clarify this application:

Telephone number:

Facsimile number:

12. Certificates (including correspondence) will be delivered to the applicant at the following address (not P.O. Boxes) include telephone number and facsimile number:

Telephone number:

Facsimile number:

SECTION B. Vessel Data

(If this application applies to more than one vessel, list the information for each vessel on separate sheets if necessary.)

1. Registered name of vessel, flag, registry number, radio call sign, Lloyd's Register Number /IMO Number.

a. Vessel name:

b. Flag:

c. Registry Number:

d. Radio call sign:

e. Lloyd's Register Number/IMO Number:

2. Is the vessel "double hull" as described in 46 USC, Section 3703(a)?

3. United States Coast Guard "Vessel Certificate of Financial Responsibility (Water Pollution)" number(s) and expiration date(s):

4. Please state the method (i.e., self-insurance, insurance, surety bond, financial guaranty, etc.), AND name of the entity providing your federal financial responsibility coverage required by the Oil Pollution Act of 1990 (OPA-90).

5. Type of vessel (Tanker, Crude Oil Tanker, Small Barge, Ore/Bulk/Oil, LPG Carrier, Vessel Carrying Oil as Secondary Cargo (VCOASC), etc.):

6. Cargo capacity in barrels:

For VCOASC: Maximum oil capacity in barrels:

7. Gross tonnage:

SECTION C. EVIDENCE OF FINANCIAL RESPONSIBILITY

[Note: For operators or owners of small barges (barges with cargo capacity of less than 150,000 barrels and vessels carrying oil as secondary cargo), do not complete this section. Please skip to Section D. You will be required to provide evidence of financial responsibility after you receive the notice of financial responsibility completed by the Administrator.]

1. Owners or operators of tankers and large barges must demonstrate the financial ability to pay at least one billion U.S. dollars (USD \$1,000,000,000) for damages arising from an oil spill.

These amounts are in effect unless amended by Section 8670.37.53(a) of the Government Code.

2. Operators or owners of tankers including large barges must check all method(s) to be used to demonstrate evidence of financial responsibility in item 4 below. For each method used attach copies of the required evidence as indicated below.
3. **Method(s) for demonstrating financial responsibility** (Indicate the method or methods selected)

_____ **Proof of entry in** _____ **Protection and Indemnity Club.**
(provide name)

Submit the following evidence:

Copy of the **Certificate of Entry**, all addenda pertaining to the amount and applicability of oil pollution cover and amount of deductibles. ***A P&I Club Confirmation letter does not meet this requirement.***

Note: Annually, certificate holders are required to submit written certification of renewal of P & I Club membership within 30 days after renewal of coverage. Within 90 days after renewal, certificate holders must submit complete documentation acceptable to the Administrator showing renewal of P & I Club membership as the method for demonstrating evidence of financial responsibility. Acceptable written documentation includes, but is not limited to, a copy of the renewal Certificate of Entry or addendum, which contains the minimum information required by Title 14, California Code of Regulations, Section 795(f), and any additional terms or limitations which may affect coverage, including the renewal and new expiration dates.

_____ **Insurance.** Submit any of the following evidence:

- (A) Insurance policy or other documentation, and a certificate of insurance specifying the nature, type, amount of insurance, and any conditions and limitations in the coverage for marine pollution liability; or
- (B) An endorsement executed by the underwriter or insurer which contains the language set forth in the California standard endorsement. Refer to the Endorsement for Vessels Calling Upon California - Oil Spill Liabilities, FG OSPR Form 1929 (3/01); or
- (C) Similar or comparable assurance acceptable to the Administrator.

If an insurance policy or broker's cover note is being submitted as evidence for excess coverage over and above a P&I Club policy, then one of the following is required:

1. Language that the policy covers damages as specified in Government Code Section 8670.56.5(h); or
2. The insurance policy shall be signed by the underwriter and shall state that the insurance policy covers the assured's legal liability for oil pollution claims, and is issued under the same terms and conditions as the underlying P&I Club policy; or
3. The underwriter shall acknowledge in writing that the broker has the authority to include language in the broker's cover note that the insurance policy covers the assured's legal liability for oil pollution claims, and is issued under the same terms and conditions as the underlying P&I Club policy.

When multiple underwriters are providing coverage, the underwriter who sets rates and conditions shall execute the appropriate documents

[Refer to Title 14, California Code of Regulations, Section 795(a) for complete information regarding this method for demonstrating financial responsibility.]

_____ **Self-Insurance**

[Refer to Title 14, California Code of Regulations, Section 795(b) for complete information regarding this method for demonstrating financial responsibility.]

_____ **Surety Bond** issued from a bonding company authorized to do business in the United States.

[Refer to Title 14, California Code of Regulations, Section 795(c) for complete information regarding this method for demonstrating financial responsibility.]

_____ **Irrevocable Standby Letter of Credit** in favor of the State of California.

[Refer to Title 14, California Code of Regulations, Section 795(d) for complete information regarding this method for demonstrating financial responsibility.]

_____ **Guaranty**

[Refer to Title 14, California Code of Regulations, Section 795(e) for complete information regarding this method for demonstrating financial responsibility.]

SECTION D. DECLARATION

(Must be completed by all applicants)

I, _____ (print name) am the applicant/a principal of the applicant/authorized agent*/or official of the applicant, and have the authority to sign this application on behalf of the applicant. I DECLARE under penalty of perjury that I have examined this application, including all accompanying schedules and statements, and to the best of my knowledge, information and belief, find it to be true, correct, and complete. Furthermore, it is agreed that the applicant named in Section A of this application is the responsible party in the event of an oil spill. I execute this declaration in my capacity as applicant, an authorized official of the applicant, or, if acting under a power of attorney, under the power vested in me by the applicant as evidenced by the attached documents.

Date

Signature

Title or Official Capacity

* Note: If the Declaration is signed by an agent of the applicant, the applicant or a principal of the applicant named in Section A, item 1 must sign the Delegation of Authority below (Section E).

SECTION E. DELEGATION OF AUTHORITY BY THE APPLICANT

(Must be completed by the applicant named in Section A, item 1 if the above declaration has been executed by an agent acting on behalf of the applicant)

I, _____ (name of the applicant from Section A, item 1) hereby declare that _____ (name of authorized agent whose signature appears in Section D) is authorized to submit this application for a Certificate of Financial Responsibility on the applicant's behalf.

Date

Signature

Title or Official Capacity

INSTRUCTIONS

1. Please type or print clearly in English when completing this application.
2. Please fax the completed application to:

Department of Fish and Game
Office of Spill Prevention and Response (OSPR)
Sacramento, CA 94244-2090
(916) 323-4727

Or deliver by courier to:

Department of Fish and Game
Office of Spill Prevention and Response (OSPR)
1700 K Street, Suite 250
Sacramento, California 95814

3. The application is comprised of five sections:

Section A, General Information;

Section B, Tank Vessel (including large and small barges and vessels carrying oil as secondary cargo) Data;

Section C, Evidence of Financial Responsibility (Note: A "large" barge means a barge with a cargo capacity of 150,000 or more barrels);

Section D, Declaration;

Section E, Delegation of Authority

Sections A, B, C and D must all be completed by the applicant or delegated authority. Section E, Delegation of Authority, must be executed by the applicant or a principal of the applicant when an application is signed by an agent of the applicant.

4. Application Process:

a. Operators or owners of tankers including large barges:

- (1) Applications will be reviewed within 21 calendar days of receipt for operators or owners of tankers including large barges.
- (2) Certificates will be issued within that period provided that adequate information was furnished in the application and acceptable evidence of financial responsibility has been received.

- b. Operators or owners of small barges and vessels carrying oil as secondary cargo:
Applications for operators or owners of small barges (barges with cargo capacity of less than 150,000 barrels) will be reviewed and applicants will be notified of the amount of financial responsibility required within 21 calendar days of receipt of the application. Certificates will be issued for operators or owners of small barges and vessels carrying oil as secondary cargo upon receipt of acceptable evidence of financial responsibility.

5. Miscellaneous application instructions:

- a. If a question does not apply, answer "not applicable."
- b. Applications which are incomplete will not be processed until receipt of the additional information needed to complete processing
- c. If additional space is required, supplemental sheets may be attached.

6. Certificate Renewal Process:

Certificates are valid for two years. Renewal applications must be submitted no earlier than 90 days and no later than 45 days prior to the expiration date carried by the existing certificate. Renewal applications may be obtained from the Office of Spill Prevention and Response.

7. Please contact the Financial Responsibility Unit at (916) 324-0003 or (916) 324-3413 or by facsimile number (916) 323-4727, if you have any questions.